

106TH CONGRESS  
2D SESSION

# H. R. 4640

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IN THE SENATE OF THE UNITED STATES

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000

Received

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## AN ACT

To make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “DNA Analysis Backlog  
5       Elimination Act of 2000”.

6       **SEC. 2. AUTHORIZATION OF GRANTS.**

7       (a) **AUTHORIZATION OF GRANTS.**—The Attorney  
8       General may make grants to eligible States for use by the  
9       State for the following purposes:

10               (1) To carry out, for inclusion in the Combined  
11       DNA Index System of the Federal Bureau of Inves-  
12       tigation, DNA analyses of samples taken from indi-  
13       viduals convicted of a qualifying State offense (as  
14       determined under subsection (b)(3)).

15               (2) To carry out, for inclusion in such Com-  
16       bined DNA Index System, DNA analyses of samples  
17       from crime scenes.

18               (3) To increase the capacity of laboratories  
19       owned by the State or by units of local government  
20       within the State to carry out DNA analyses of sam-  
21       ples specified in paragraph (2).

22       (b) **ELIGIBILITY.**—For a State to be eligible to re-  
23       ceive a grant under this section, the chief executive officer  
24       of the State shall submit to the Attorney General an appli-

1 cation in such form and containing such information as  
2 the Attorney General may require. The application shall—

3 (1) provide assurances that the State has imple-  
4 mented, or will implement not later than 120 days  
5 after the date of such application, a comprehensive  
6 plan for the expeditious DNA analysis of samples in  
7 accordance with this section;

8 (2) include a certification that each DNA anal-  
9 ysis carried out under the plan shall be maintained  
10 pursuant to the privacy requirements described in  
11 section 210304(b)(3) of the Violent Crime Control  
12 and Law Enforcement Act of 1994 (42 U.S.C.  
13 14132(b)(3));

14 (3) include a certification that the State has de-  
15 termined, by statute, rule, or regulation, those of-  
16 fenses under State law that shall be treated for pur-  
17 poses of this section as qualifying State offenses;

18 (4) specify the allocation that the State shall  
19 make, in using grant amounts to carry out DNA  
20 analyses of samples, as between samples specified in  
21 subsection (a)(1) and samples specified in subsection  
22 (a)(2); and

23 (5) specify that portion of grant amounts that  
24 the State shall use for the purpose specified in sub-  
25 section (a)(3).

1 (c) CRIMES WITHOUT SUSPECTS.—A State that pro-  
2 poses to allocate grant amounts under paragraph (4) or  
3 (5) of subsection (b) for the purposes specified in para-  
4 graph (2) or (3) of subsection (a) shall use such allocated  
5 amounts to conduct or facilitate DNA analyses of those  
6 samples that relate to crimes in connection with which  
7 there are no suspects.

8 (d) ANALYSIS OF SAMPLES.—

9 (1) IN GENERAL.—The plan shall require that,  
10 except as provided in paragraph (3), each DNA  
11 analysis be carried out in a laboratory that satisfies  
12 quality assurance standards and is—

13 (A) operated by the State or a unit of local  
14 government within the State; or

15 (B) operated by a private entity pursuant  
16 to a contract with the State or a unit of local  
17 government within the State.

18 (2) QUALITY ASSURANCE STANDARDS.—(A)  
19 The Director of the Federal Bureau of Investigation  
20 shall maintain and make available to States a de-  
21 scription of quality assurance protocols and practices  
22 that the Director considers adequate to assure the  
23 quality of a forensic laboratory.

24 (B) For purposes of this section, a laboratory  
25 satisfies quality assurance standards if the labora-

1 tory satisfies the quality control requirements de-  
2 scribed in paragraphs (1) and (2) of section  
3 210304(b) of the Violent Crime Control and Law  
4 Enforcement Act of 1994 (42 U.S.C. 14132(b)).

5 (3) USE OF VOUCHERS FOR CERTAIN PUR-  
6 POSES.—A grant for the purposes specified in para-  
7 graph (1) or (2) of subsection (a) may be made in  
8 the form of a voucher for laboratory services, which  
9 may be redeemed at a laboratory operated by a pri-  
10 vate entity approved by the Attorney General that  
11 satisfies quality assurance standards. The Attorney  
12 General may make payment to such a laboratory for  
13 the analysis of DNA samples using amounts author-  
14 ized for those purposes under subsection (j).

15 (e) RESTRICTIONS ON USE OF FUNDS.—

16 (1) NONSUPPLANTING.—Funds made available  
17 pursuant to this section shall not be used to sup-  
18 plant State funds, but shall be used to increase the  
19 amount of funds that would, in the absence of Fed-  
20 eral funds, be made available from State sources for  
21 the purposes of this Act.

22 (2) ADMINISTRATIVE COSTS.—A State may not  
23 use more than three percent of the funds it receives  
24 from this section for administrative expenses.

1       (f) REPORTS TO THE ATTORNEY GENERAL.—Each  
2 State which receives a grant under this section shall sub-  
3 mit to the Attorney General, for each year in which funds  
4 from a grant received under this section is expended, a  
5 report at such time and in such manner as the Attorney  
6 General may reasonably require, which contains—

7           (1) a summary of the activities carried out  
8 under the grant and an assessment of whether such  
9 activities are meeting the needs identified in the ap-  
10 plication; and

11           (2) such other information as the Attorney  
12 General may require.

13       (g) REPORTS TO CONGRESS.—Not later than 90 days  
14 after the end of each fiscal year for which grants are made  
15 under this section, the Attorney General shall submit to  
16 the Congress a report that includes—

17           (1) the aggregate amount of grants made under  
18 this section to each State for such fiscal year; and

19           (2) a summary of the information provided by  
20 States receiving grants under this section.

21       (h) EXPENDITURE RECORDS.—

22           (1) IN GENERAL.—Each State which receives a  
23 grant under this section shall keep records as the  
24 Attorney General may require to facilitate an effec-

1        tive audit of the receipt and use of grant funds re-  
2        ceived under this section.

3            (2) ACCESS.—Each State which receives a  
4        grant under this section shall make available, for the  
5        purpose of audit and examination, such records as  
6        are related to the receipt or use of any such grant.

7            (i) DEFINITION.—For purposes of this section, the  
8        term “State” means a State of the United States, the Dis-  
9        trict of Columbia, the Commonwealth of Puerto Rico, the  
10       United States Virgin Islands, American Samoa, Guam,  
11       and the Northern Mariana Islands.

12          (j) AUTHORIZATION OF APPROPRIATIONS.—Amounts  
13       are authorized to be appropriated to the Attorney General  
14       for grants under subsection (a) as follows:

15            (1) For grants for the purposes specified in  
16       paragraph (1) of such subsection—

17                    (A) \$15,000,000 for fiscal year 2001;  
18                    (B) \$15,000,000 for fiscal year 2002; and  
19                    (C) \$15,000,000 for fiscal year 2003.

20            (2) For grants for the purposes specified in  
21       paragraphs (2) and (3) of such subsection—

22                    (A) \$25,000,000 for fiscal year 2001;  
23                    (B) \$50,000,000 for fiscal year 2002;  
24                    (C) \$25,000,000 for fiscal year 2003; and  
25                    (D) \$25,000,000 for fiscal year 2004.

1 **SEC. 3. COLLECTION AND USE OF DNA IDENTIFICATION IN-**  
2 **FORMATION FROM CERTAIN FEDERAL OF-**  
3 **FENDERS.**

4 (a) COLLECTION OF DNA SAMPLES.—

5 (1) FROM INDIVIDUALS IN CUSTODY.—The Di-  
6 rector of the Bureau of Prisons shall collect a DNA  
7 sample from each individual in the custody of the  
8 Bureau of Prisons who is, or has been, convicted of  
9 a qualifying Federal offense (as determined under  
10 subsection (d)) or a qualifying military offense, as  
11 determined under section 1565 of title 10, United  
12 States Code.

13 (2) FROM INDIVIDUALS ON RELEASE, PAROLE,  
14 OR PROBATION.—The probation office responsible  
15 for the supervision under Federal law of an indi-  
16 vidual on probation, parole, or supervised release  
17 shall collect a DNA sample from each such indi-  
18 vidual who is, or has been, convicted of a qualifying  
19 Federal offense (as determined under subsection (d))  
20 or a qualifying military offense, as determined under  
21 section 1565 of title 10, United States Code.

22 (3) INDIVIDUALS ALREADY IN CODIS.—For  
23 each individual described in paragraph (1) or (2), if  
24 the Combined DNA Index System (in this section  
25 referred to as “CODIS”) of the Federal Bureau of  
26 Investigation contains a DNA analysis with respect



1 to that individual, or if a DNA sample has been col-  
2 lected from that individual under section 1565 of  
3 title 10, United States Code, the Director of the Bu-  
4 reau of Prisons or the probation office responsible  
5 (as applicable) may (but need not) collect a DNA  
6 sample from that individual.

7 (4) COLLECTION PROCEDURES.—(A) The Di-  
8 rector of the Bureau of Prisons or the probation of-  
9 fice responsible (as applicable) may use or authorize  
10 the use of such means as are reasonably necessary  
11 to detain, restrain, and collect a DNA sample from  
12 an individual who refuses to cooperate in the collec-  
13 tion of the sample.

14 (B) The Director of the Bureau of Prisons or  
15 the probation office, as appropriate, may enter into  
16 agreements with units of State or local government  
17 or with private entities to provide for the collection  
18 of the samples described in paragraph (1) or (2).

19 (5) CRIMINAL PENALTY.—An individual from  
20 whom the collection of a DNA sample is authorized  
21 under this subsection who fails to cooperate in the  
22 collection of that sample shall be—

23 (A) guilty of a class A misdemeanor; and

24 (B) punished in accordance with title 18,

25 United States Code.

1 (b) ANALYSIS AND USE OF SAMPLES.—The Director  
2 of the Bureau of Prisons or the probation office respon-  
3 sible (as applicable) shall furnish each DNA sample col-  
4 lected under subsection (a) to the Director of the Federal  
5 Bureau of Investigation, who shall carry out a DNA anal-  
6 ysis on each such DNA sample and include the results  
7 in CODIS.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “DNA sample” means a tissue,  
10 fluid, or other bodily sample of an individual on  
11 which a DNA analysis can be carried out.

12 (2) The term “DNA analysis” means analysis  
13 of the deoxyribonucleic acid (DNA) identification in-  
14 formation in a bodily sample.

15 (d) QUALIFYING FEDERAL OFFENSES.—(1) The of-  
16 fenses that shall be treated for purposes of this section  
17 as qualifying Federal offenses are the following offenses  
18 under title 18, United States Code, as determined by the  
19 Attorney General:

20 (A) Murder (as described in section 1111 of  
21 such title), voluntary manslaughter (as described in  
22 section 1112 of such title), or other offense relating  
23 to homicide (as described in chapter 51 of such title,  
24 sections 1113, 1114, 1116, 1118, 1119, 1120, and  
25 1121).

1           (B) An offense relating to sexual abuse (as de-  
2       scribed in chapter 109A of such title, sections 2241  
3       through 2245), to sexual exploitation or other abuse  
4       of children (as described in chapter 110 of such title,  
5       sections 2251 through 2252), or to transportation  
6       for illegal sexual activity (as described in chapter  
7       117 of such title, sections 2421, 2422, 2423, and  
8       2425).

9           (C) An offense relating to peonage and slavery  
10       (as described in chapter 77 of such title).

11          (D) Kidnapping (as defined in section  
12       3559(c)(2)(E) of such title).

13          (E) An offense involving robbery or burglary  
14       (as described in chapter 103 of such title, sections  
15       2111 through 2114, 2116, and 2118 through 2119).

16          (F) Any violation of section 1153 involving  
17       murder, manslaughter, kidnapping, maiming, a fel-  
18       ony offense relating to sexual abuse (as described in  
19       chapter 109A), incest, arson, burglary, or robbery.

20          (G) Any attempt or conspiracy to commit any  
21       of the above offenses.

22       (2) The initial determination of qualifying Federal of-  
23       fenses shall be made not later than 120 days after the  
24       date of the enactment of this Act.

25       (e) REGULATIONS.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), this section shall be carried out under  
3           regulations prescribed by the Attorney General.

4           (2) PROBATION OFFICERS.—The Director of  
5           the Administrative Office of the United States  
6           Courts shall make available model procedures for the  
7           activities of probation officers in carrying out this  
8           section.

9           (f) COMMENCEMENT OF COLLECTION.—Collection of  
10          DNA samples under subsection (a) shall, subject to the  
11          availability of appropriations, commence not later than the  
12          date that is 180 days after the date of the enactment of  
13          this Act.

14       **SEC. 4. COLLECTION AND USE OF DNA IDENTIFICATION IN-**  
15                       **FORMATION FROM CERTAIN DISTRICT OF CO-**  
16                       **LUMBIA OFFENDERS.**

17          (a) COLLECTION OF DNA SAMPLES.—

18               (1) FROM INDIVIDUALS IN CUSTODY.—The Di-  
19               rector of the Bureau of Prisons shall collect a DNA  
20               sample from each individual in the custody of the  
21               Bureau of Prisons who is, or has been, convicted of  
22               a qualifying District of Columbia offense (as deter-  
23               mined under subsection (d)).

24               (2) FROM INDIVIDUALS ON RELEASE, PAROLE,  
25               OR PROBATION.—The Director of the Court Services

1 and Offender Supervision Agency for the District of  
2 Columbia shall collect a DNA sample from each in-  
3 dividual under the supervision of the Agency who is  
4 on supervised release, parole, or probation who is, or  
5 has been, convicted of a qualifying District of Co-  
6 lumbia offense (as determined under subsection (d)).

7 (3) INDIVIDUALS ALREADY IN CODIS.—For  
8 each individual described in paragraph (1) or (2), if  
9 the Combined DNA Index System (in this section  
10 referred to as “CODIS”) of the Federal Bureau of  
11 Investigation contains a DNA analysis with respect  
12 to that individual, the Director of the Bureau of  
13 Prisons or Agency (as applicable) may (but need  
14 not) collect a DNA sample from that individual.

15 (4) COLLECTION PROCEDURES.—(A) The Di-  
16 rector of the Bureau of Prisons or Agency (as appli-  
17 cable) may use or authorize the use of such means  
18 as are reasonably necessary to detain, restrain, and  
19 collect a DNA sample from an individual who re-  
20 fuses to cooperate in the collection of the sample.

21 (B) The Director of the Bureau of Prisons or  
22 Agency, as appropriate, may enter into agreements  
23 with units of State or local government or with pri-  
24 vate entities to provide for the collection of the sam-  
25 ples described in paragraph (1) or (2).

1           (5) CRIMINAL PENALTY.—An individual from  
2       whom the collection of a DNA sample is authorized  
3       under this subsection who fails to cooperate in the  
4       collection of that sample shall be—

5                   (A) guilty of a class A misdemeanor; and

6                   (B) punished in accordance with title 18,  
7       United States Code.

8       (b) ANALYSIS AND USE OF SAMPLES.—The Director  
9       of the Bureau of Prisons or Agency (as applicable) shall  
10      furnish each DNA sample collected under subsection (a)  
11      to the Director of the Federal Bureau of Investigation,  
12      who shall carry out a DNA analysis on each such DNA  
13      sample and include the results in CODIS.

14      (c) DEFINITIONS.—In this section:

15           (1) The term “DNA sample” means a tissue,  
16      fluid, or other bodily sample of an individual on  
17      which a DNA analysis can be carried out.

18           (2) The term “DNA analysis” means analysis  
19      of the deoxyribonucleic acid (DNA) identification in-  
20      formation in a bodily sample.

21      (d) QUALIFYING DISTRICT OF COLUMBIA OF-  
22      FENSES.—The Government of the District of Columbia  
23      may determine those offenses under the District of Colum-  
24      bia Code that shall be treated for purposes of this section  
25      as qualifying District of Columbia offenses.

1 (e) COMMENCEMENT OF COLLECTION.—Collection of  
 2 DNA samples under subsection (a) shall, subject to the  
 3 availability of appropriations, commence not later than the  
 4 date that is 180 days after the date of the enactment of  
 5 this Act.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
 7 are authorized to be appropriated to the Court Services  
 8 and Offender Supervision Agency for the District of Co-  
 9 lumbia to carry out this section such sums as may be nec-  
 10 essary for each of fiscal years 2001 through 2005.

11 **SEC. 5. COLLECTION AND USE OF DNA IDENTIFICATION IN-**  
 12 **FORMATION FROM CERTAIN OFFENDERS IN**  
 13 **THE ARMED FORCES.**

14 (a) IN GENERAL.—(1) Chapter 80 of title 10, United  
 15 States Code, is amended by adding at the end the fol-  
 16 lowing new section:

17 **“§ 1565. DNA identification information: collection**  
 18 **from certain offenders; use**

19 **“(a) COLLECTION OF DNA SAMPLES.—(1) The Sec-**  
 20 **retary concerned shall collect a DNA sample from each**  
 21 **member of the armed forces under the Secretary’s juris-**  
 22 **diction who is, or has been, convicted of a qualifying mili-**  
 23 **tary offense (as determined under subsection (d)).**

24 **“(2) For each member described in paragraph (1),**  
 25 **if the Combined DNA Index System (in this section re-**

ferred to as ‘CODIS’) of the Federal Bureau of Investigation contains a DNA analysis with respect to that member, or if a DNA sample has been or is to be collected from that member under section 3(a) of the DNA Analysis Backlog Elimination Act of 2000, the Secretary concerned may (but need not) collect a DNA sample from that member.

“(3) The Secretary concerned may enter into agreements with other Federal agencies, units of State or local government, or private entities to provide for the collection of samples described in paragraph (1).

“(b) ANALYSIS AND USE OF SAMPLES.—The Secretary concerned shall furnish each DNA sample collected under subsection (a) to the Secretary of Defense. The Secretary of Defense shall—

(1) carry out a DNA analysis on each such DNA sample in a manner that complies with the requirements for inclusion of that analysis in CODIS; and

(2) furnish the results of each such analysis to the Director of the Federal Bureau of Investigation for inclusion in CODIS.

“(c) DEFINITIONS.—In this section:



1           “(1) The term ‘DNA sample’ means a tissue,  
2           fluid, or other bodily sample of an individual on  
3           which a DNA analysis can be carried out.

4           “(2) The term ‘DNA analysis’ means analysis  
5           of the deoxyribonucleic acid (DNA) identification in-  
6           formation in a bodily sample.

7           “(d) QUALIFYING MILITARY OFFENSES.—(1) Sub-  
8           ject to paragraph (2), the Secretary of Defense, in con-  
9           sultation with the Attorney General, shall determine those  
10          felony or sexual offenses under the Uniform Code of Mili-  
11          tary Justice that shall be treated for purposes of this sec-  
12          tion as qualifying military offenses.

13          “(2) An offense under the Uniform Code of Military  
14          Justice that is comparable to a qualifying Federal offense  
15          (as determined under section 3(d) of the DNA Analysis  
16          Backlog Elimination Act of 2000), as determined by the  
17          Secretary in consultation with the Attorney General, shall  
18          be treated for purposes of this section as a qualifying mili-  
19          tary offense.

20          “(e) EXPUNGEMENT.—(1) The Secretary of Defense  
21          shall promptly expunge, from the index described in sub-  
22          section (a) of section 210304 of the Violent Crime Control  
23          and Law Enforcement Act of 1994, the DNA analysis of  
24          a person included in the index on the basis of a qualifying  
25          military offense if the Secretary receives, for each convic-

1 tion of the person of a qualifying offense, a certified copy  
2 of a final court order establishing that such conviction has  
3 been overturned.

4 “(2) For purposes of paragraph (1), the term ‘quali-  
5 fying offense’ means any of the following offenses:

6 “(A) A qualifying Federal offense, as deter-  
7 mined under section 3 of the DNA Analysis Backlog  
8 Elimination Act of 2000.

9 “(B) A qualifying District of Columbia offense,  
10 as determined under section 4 of the DNA Analysis  
11 Backlog Elimination Act of 2000.

12 “(C) A qualifying military offense.

13 “(3) For purposes of paragraph (1), a court order  
14 is not ‘final’ if time remains for an appeal or application  
15 for discretionary review with respect to the order.

16 “(f) REGULATIONS.—This section shall be carried  
17 out under regulations prescribed by the Secretary of De-  
18 fense, in consultation with the Secretary of Transportation  
19 and the Attorney General. Those regulations shall apply,  
20 to the extent practicable, uniformly throughout the armed  
21 forces.”.

22 (2) The table of sections at the beginning of such  
23 chapter is amended by adding at the end the following  
24 new item:

“1565. DNA identification information: collection from certain offenders; use.”.

1 (b) INITIAL DETERMINATION OF QUALIFYING MILI-  
2 TARY OFFENSES.—The initial determination of qualifying  
3 military offenses under section 1565(d) of title 10, United  
4 States Code, as added by subsection (a)(1), shall be made  
5 not later than 120 days after the date of the enactment  
6 of this Act.

7 (c) COMMENCEMENT OF COLLECTION.—Collection of  
8 DNA samples under section 1565(a) of such title, as  
9 added by subsection (a)(1), shall, subject to the avail-  
10 ability of appropriations, commence not later than the  
11 date that is 60 days after the date of the initial determina-  
12 tion referred to in subsection (b).

13 **SEC. 6. EXPANSION OF DNA IDENTIFICATION INDEX.**

14 (a) USE OF CERTAIN FUNDS.—Section 811(a)(2) of  
15 the Antiterrorism and Effective Death Penalty Act of  
16 1996 (28 U.S.C. 531 note) is amended to read as follows:

17 “(2) the Director of the Federal Bureau of In-  
18 vestigation shall expand the combined DNA Identi-  
19 fication System (CODIS) to include analyses of  
20 DNA samples collected from—

21 “(A) individuals convicted of a qualifying  
22 Federal offense, as determined under section  
23 3(d) of the DNA Analysis Backlog Elimination  
24 Act of 2000;

1           “(B) individuals convicted of a qualifying  
 2           District of Columbia offense, as determined  
 3           under section 4(d) of the DNA Analysis Back-  
 4           log Elimination Act of 2000; and

5           “(C) members of the Armed Forces con-  
 6           victed of a qualifying military offense, as deter-  
 7           mined under section 1565(d) of title 10, United  
 8           States Code.”.

9           (b) INDEX TO FACILITATE LAW ENFORCEMENT EX-  
 10          CHANGE OF DNA IDENTIFICATION INFORMATION.—Sec-  
 11          tion 210304 of the Violent Crime Control and Law En-  
 12          forcement Act of 1994 (42 U.S.C. 14132) is amended—

13           (1) in subsection (b)(1), by inserting after  
 14           “criminal justice agency” the following: “(or the  
 15           Secretary of Defense in accordance with section  
 16           1565 of title 10, United States Code)”;

17           (2) in subsection (b)(2), by striking “, at reg-  
 18           ular intervals of not to exceed 180 days,” and insert-  
 19           ing “semiannual”;

20           (3) in subsection (b)(3), by inserting after  
 21           “criminal justice agencies” in the matter preceding  
 22           subparagraph (A) the following: “(or the Secretary  
 23           of Defense in accordance with section 1565 of title  
 24           10, United States Code)”; and

1           (4) by adding at the end the following new sub-  
2 section:

3           “(d) EXPUNGEMENT OF RECORDS.—

4           “(1) BY DIRECTOR.—(A) The Director of the  
5 Federal Bureau of Investigation shall promptly ex-  
6 punge from the index described in subsection (a) the  
7 DNA analysis of a person included in the index on  
8 the basis of a qualifying Federal offense or a quali-  
9 fying District of Columbia offense (as determined  
10 under sections 3 and 4 of the DNA Analysis Back-  
11 log Elimination Act of 2000, respectively) if the Di-  
12 rector receives, for each conviction of the person of  
13 a qualifying offense, a certified copy of a final court  
14 order establishing that such conviction has been  
15 overturned.

16           “(B) For purposes of subparagraph (A), the  
17 term ‘qualifying offense’ means any of the following  
18 offenses:

19           “(i) A qualifying Federal offense, as deter-  
20 mined under section 3 of the DNA Analysis  
21 Backlog Elimination Act of 2000.

22           “(ii) A qualifying District of Columbia of-  
23 fense, as determined under section 4 of the  
24 DNA Analysis Backlog Elimination Act of  
25 2000.

1           “(iii) A qualifying military offense, as de-  
2           termined under section 1565 of title 10, United  
3           States Code.

4           “(C) For purposes of subparagraph (A), a court  
5           order is not ‘final’ if time remains for an appeal or  
6           application for discretionary review with respect to  
7           the order.

8           “(2) BY STATES.—(A) As a condition of access  
9           to the index described in subsection (a), a State  
10          shall promptly expunge from that index the DNA  
11          analysis of a person included in the index by that  
12          State if the responsible agency or official of that  
13          State receives, for each conviction of the person of  
14          an offense on the basis of which that analysis was  
15          or could have been included in the index, a certified  
16          copy of a final court order establishing that such  
17          conviction has been overturned.

18          “(B) For purposes of subparagraph (A), a  
19          court order is not ‘final’ if time remains for an ap-  
20          peal or application for discretionary review with re-  
21          spect to the order.”.

22   **SEC. 7. CONDITIONS OF RELEASE.**

23          (a) CONDITIONS OF PROBATION.—Section 3563(a) of  
24          title 18, United States Code, is amended—

1           (1) in paragraph (7), by striking “and” at the  
2       end;

3           (2) in paragraph (8), by striking the period at  
4       the end and inserting “; and”; and

5           (3) by inserting after paragraph (8) the fol-  
6       lowing:

7           “(9) that the defendant cooperate in the collec-  
8       tion of a DNA sample from the defendant if the col-  
9       lection of such a sample is authorized pursuant to  
10      section 3 of the DNA Analysis Backlog Elimination  
11      Act of 2000.”.

12       (b) CONDITIONS OF SUPERVISED RELEASE.—Section  
13   3583(d) of title 18, United States Code, is amended by  
14   inserting before “The court shall also order” the following:  
15   “The court shall order, as an explicit condition of super-  
16   vised release, that the defendant cooperate in the collec-  
17   tion of a DNA sample from the defendant, if the collection  
18   of such a sample is authorized pursuant to section 3 of  
19   the DNA Analysis Backlog Elimination Act of 2000.”.

20       (c) CONDITIONS OF PAROLE.—Section 4209 of title  
21   18, United States Code, insofar as such section remains  
22   in effect with respect to certain individuals, is amended  
23   by inserting before “In every case, the Commission shall  
24   also impose” the following: “In every case, the Commis-  
25   sion shall impose as a condition of parole that the parolee

1 cooperate in the collection of a DNA sample from the pa-  
2 rolee, if the collection of such a sample is authorized pur-  
3 suant to section 3 or section 4 of the DNA Analysis  
4 Backlog Elimination Act of 2000 or section 1565 of title  
5 10.”.

6 (d) CONDITIONS OF RELEASE GENERALLY.—If the  
7 collection of a DNA sample from an individual on proba-  
8 tion, parole, or supervised release is authorized pursuant  
9 to section 3 or 4 of this Act or section 1565 of title 10,  
10 United States Code, the individual shall cooperate in the  
11 collection of a DNA sample as a condition of that proba-  
12 tion, parole, or supervised release.

13 **SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.**

14 (a) DRUG CONTROL AND SYSTEM IMPROVEMENT  
15 GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus  
16 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
17 3753(a)(12)(C)) is amended by striking “, at regular in-  
18 tervals of not to exceed 180 days,” and inserting “semi-  
19 annual”.

20 (b) DNA IDENTIFICATION GRANTS.—Section  
21 2403(3) of title I of the Omnibus Crime Control and Safe  
22 Streets Act of 1968 (42 U.S.C. 3796kk–2(3)) is amended  
23 by striking “, at regular intervals not exceeding 180  
24 days,” and inserting “semiannual”.



1 (c) FEDERAL BUREAU OF INVESTIGATION.—Section  
2 210305(a)(1)(A) of the Violent Crime Control and Law  
3 Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is  
4 amended by striking “, at regular intervals of not to ex-  
5 ceed 180 days,” and inserting “semiannual”.

6 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Attor-  
8 ney General to carry out this Act (including to reimburse  
9 the Federal judiciary for any reasonable costs incurred in  
10 implementing such Act, as determined by the Attorney  
11 General) such sums as may be necessary.

12 **SEC. 10. PRIVACY PROTECTION STANDARDS.**

13 (a) IN GENERAL.—Except as provided in subsection  
14 (b), any sample collected under, or any result of any anal-  
15 ysis carried out under, section 2, 3, or 4 may be used only  
16 for a purpose specified in such section.

17 (b) PERMISSIVE USES.—A sample or result described  
18 in subsection (a) may be disclosed under the cir-  
19 cumstances under which disclosure of information in-  
20 cluded in the Combined DNA Index System is allowed,  
21 as specified in subparagraphs (A) through (D) of section  
22 210304(b)(3) of the Violent Crime Control and Law En-  
23 forcement Act of 1994 (42 U.S.C. 14132(b)(3)).

24 (c) CRIMINAL PENALTY.—A person who knowingly—

1           (1) discloses a sample or result described in  
2           subsection (a) in any manner to any person not au-  
3           thorized to receive it; or

4           (2) obtains, without authorization, a sample or  
5           result described in subsection (a),  
6 shall be fined not more than \$100,000.

Passed the House of Representatives October 2,  
2000.

Attest:

JEFF TRANDAHL,  
*Clerk.*